

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 45, “Boat Motor Regulations,” Iowa Administrative Code.

The proposed amendments replace the use of “no-wake zones” with defined speed restrictions of five miles per hour for the listed areas.

Any interested person may make written suggestions or comments on the proposed amendments on or before October 28, 2010. Such written materials should be directed to Susan Stocker, Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-6794; or E-mail susan.stocker@dnr.iowa.gov. Persons who wish to convey their views orally should contact the Law Enforcement Bureau at (515)281-0122.

Also, there will be a public hearing on October 28, 2010, from 1 to 3 p.m. in the Fifth Floor East Conference Room, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa. At the public hearing, persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special needs, such as those related to hearing or mobility impairments, should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code chapter 462A.

The following amendments are proposed.

ITEM 1. Amend subrules 45.4(2) and 45.4(3) as follows:

45.4(2) *Horsepower limitation exceptions for artificial lakes of 100 acres or less.* Motors larger than 1½ horsepower may be operated on the following lakes as designated:

Avenue of the Saints Lake, Bremer County—unrestricted horsepower at a ~~no-wake~~ speed not greater than 5 miles per hour.

Banner Lakes at Summerset State Park, Warren County—motor boats of outboard or inboard/outdrive type and unrestricted horsepower at a ~~no-wake~~ speed not greater than 5 miles per hour.

Beaver Lake, Dallas County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Beeds Lake, Franklin County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Black Hawk Pits, Sac County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Crawford Creek Recreation Area Lake, Ida County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Deer Creek Lake, Plymouth County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Fogle Lake, Ringgold County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

George Wyth Lake, Black Hawk County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Lake Iowa, Iowa County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Lake of Three Fires, Taylor County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Loch Ayr, Ringgold County—outboard motors not greater than 100 horsepower.

Meadow Lake, Adair County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Otter Creek Lake, Tama County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Silver Lake, Delaware County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Thayer Lake, Union County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Williamson Pond, Lucas County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

45.4(3) *Horsepower limitations for artificial lakes of more than 100 acres in size.* On artificial lakes of more than 100 acres, vessels may be operated with unrestricted horsepower at a ~~no-wake~~ speed not greater than 5 miles per hour except as otherwise permitted by subrule 45.4(2). The following artificial lakes have special horsepower restrictions:

a. Green Valley Lake, Union County—no inboard or racing-type craft are permitted. Vessels must be operated at a ~~no-wake~~ speed not greater than 5 miles per hour except in designated ski areas as established in 571—36.7(462A).

b. Lake Icaria, Adams County—motorboats of outboard or inboard/outdrive type. Vessels must be operated at a ~~no-wake~~ speed not greater than 5 miles per hour when within 50 feet of another vessel which is not underway or is operating at a ~~no-wake~~ speed not greater than 5 miles per hour. Additional speed and distance regulations apply as established in 571—40.20(462A).

c. Lake McBride, Johnson County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour only from September 8 through May 20 of each year. A motorboat with a power unit exceeding 10 horsepower shall not be permitted the remainder of the year.

d. Three Mile Lake, Union County—motorboats of outboard or inboard/outdrive type with power not to exceed 200 horsepower. Vessels must be operated at a ~~no-wake~~ speed not greater than 5 miles per hour when within 50 feet of another vessel which is not underway or is operating at a ~~no-wake~~ speed not greater than 5 miles per hour. Additional speed and distance regulations apply as established in 571—40.44(462A).

ITEM 2. Amend rule 571—45.5(462A), introductory paragraph, as follows:

571—45.5(462A) Artificial marshes. A motorboat equipped with any power unit mounted or carried aboard the vessel may be operated on the following listed artificial marshes under the jurisdiction of the department of natural resources at a ~~no-wake~~ speed not greater than 5 miles per hour between January 1 and August 31 and with no speed restrictions between September 1 and December 31.